



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,285	03/21/2005	Christopher Charles Amherst Gaussen	FB0915US.CIP (#90400)	2855

7590 08/29/2006

D Peter Hochberg Co
Baker Building
1940 East 6th St
6th Floor
Cleveland, OH 44114-2294

EXAMINER

WONG, STEVEN B

ART UNIT	PAPER NUMBER
----------	--------------

3711

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,285

Applicant(s)GAUSSEN, CHRISTOPHER
CHARLES AMHERST**Examiner**

Steven Wong

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-10-04</u> . | 6) <input type="checkbox"/> Other: ____ |

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to set forth the first and second rotatable planar portions wherein the first portion defines a part of the shell of the puzzle and the second portion extends inside the external shell of the puzzle (claim 29).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second rotatable planar portions wherein the first portion defines a part of the shell of the puzzle and the second portion extends inside the external shell of the puzzle (claim 29) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet”

Art Unit: 3711

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Scobbie et al. (5,860,650). Regarding claim 26, Scobbie discloses a jigsaw puzzle comprising a plurality of interlocking planar pieces, at least some of the pieces are hinged (note Figure 4b) such that one part is coplanar with one of the intersecting surfaces and another part is co-planar with a second different intersecting surface (note Figure 5).

Regarding claim 28, note Figure 5 showing an angle substantially less than 180 degrees.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19, 20 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Scobbie et al. (5,860,650). Regarding claims 19 and 22, note column 4, lines 55-59 stating that the pieces are formed from a polyethylene

Art Unit: 3711

foam with a lithographic sheet laminated thereto. The pieces are inherently a rigid, solid plastic material.

In the alternative, it would have been obvious to one of ordinary skill in the art to form the pieces of Scobbie from a more rigid, solid plastic material in order to provide a create a more sturdy three dimensional structure.

Regarding claim 20, the transition pieces include a single hinge line.

Claim Rejections - 35 USC § 103

7. Claims 21, 23, 25, 27 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scobbie et al. (5,860,650). Regarding claims 21 and 31, the polyethylene foam material of Scobbie appears to be greater than 1mm in thickness. It would have been obvious to one of ordinary skill in the art to form the pieces of Scobbie from a cardboard material in order to take advantage of that material's well known physical characteristics.

Regarding claims 23 and 27, it would have been obvious to one of ordinary skill in the art to bend the pieces of Scobbie in one direction only so that the hinges are all uniform in appearance.

Regarding claim 25, it would have been obvious to one of ordinary skill in the art to modify the puzzle of Scobbie such that the pieces form a hollow cube in order to have the user construct an alternative three dimensional object.

8. Claims 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scobbie et al. (5,860,650) in view of Nahon (6,073,929). Regarding claim 24, Nahon discloses that it is well known in the art of jigsaw puzzles to provide irregularities (6, 7, 56, 57) for the coupling elements. It would have been obvious to one of ordinary skill in the art to provide the pieces of

Scobbie with the irregularities of Nahon in order to improve the connection between the coupling elements.

Regarding claim 36, note the rejections of claims 19, 24 and 25.

9. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scobbie et al. (5,860,650) in view of Benoit et al. (6,086,067). Scobbie lacks the teaching for the second planar portion of his puzzle piece to extend inside the external shell of the puzzle.

Benoit reveals a set of puzzle pieces that define a hinge wherein a first planar portion (28) is capable of defining an external surface for the three dimensional object and a second planar portion (26) is capable of extending inside the external shell of the puzzle (note Figure 4). It would have been obvious to one of ordinary skill in the art to provide the puzzle of Scobbie with the piece of Benoit in order to create additional structures for the three dimensional object.

Regarding claim 30, the second portion includes a slot (36) that is capable of inter-engagement with parts of the structural pieces.

10. Claims 32-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarkar (5,544,882) in view of Scobbie et al. (5,860,650). Regarding claim 32, Sarkar discloses that it is known in the art of puzzles to lay out the pieces in two dimensional form to show their proper mapping. Further, Sarkar indicates where the hinge lines are to be when the pieces are arranged in the three dimensional form.

Note column 6, lines 40 and 41 of Scobbie teaching that the hinges are to skived out of the material. It would have been obvious to one of ordinary skill in the art to provide the edge pieces Sarkar with the hinge structure taught by Scobbie in order to more closely accommodate the corners and edges of the three dimensional structure.

Art Unit: 3711

Regarding claim 33, the examiner takes Official Notice that it is well known in the art of cutting to provide slightly enlarged materials in order to accommodate the width of the cutting blade. It would have been obvious to one of ordinary skill in the art to provide slightly enlarged pieces prior to their cutting in order to accommodate the width of the laser cutter.

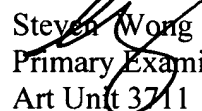
Regarding claims 34 and 35, it would have been obvious to one of ordinary skill in the art to use a laser and knife to cut the pieces of Sarkar as modified by Scobbie in order to efficiently and accurately cut the pieces.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Wong whose telephone number is 571-272-4416. The examiner can normally be reached on Monday through Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Steven Wong
Primary Examiner
Art Unit 3711

SBW
July 28, 2006